CONDITIONS OF APPROVAL

ADJ 2004-0013 Major Adjustment Application:

If the Board of Design Review determine that all approval criteria for the Major Adjustment are met, staff recommend adoption of the following condition of approval:

Prior to issuance of the site development permit, the applicant shall:

1. Obtain final approval of DR 2004-0080. (Development Services/JO)

DR 2004-0080 Design Review Type 3 Application:

If the Board of Design Review determine that all approval criteria for Design Review are met, staff recommend adoption of the following conditions of approval:

Prior to issuance of the site development permit, the applicant shall:

2. Have received final approval of ADJ 2004-0013. (Development Services/JO)

3. Contract with a professional engineer (or professional architect if allowed by the City Engineer) to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4303 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (February 2004, Resolution and Ordinance 2004-009), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)

4. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4303; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)

5. Have the ownership of the subject property guarantee all public improvements, site grading, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD).

6. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)

7. Have obtained the City Building Official's approval of the proposed site utility plan for private plumbing needed to serve the development including private fire suppression systems, backflow prevention measures, and regulated utility service locations outside the proposed building pad. (Site Development Div./JJD)

8. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for storm system connections and any connection to an Agency sanitary-sewer trunk main (24 inches in diameter or larger). (Site Development Div./JJD)

9. Have obtained the Fire Marshal's (TVF&R) approval of the site development plans. (Site Development Div./JJD)

10. Submit a detailed water supply analysis (Fire Flow) to the City Building Official in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue (TVF&R). (For more information, refer to **http://www.tvfr.com/Dept/fm/brochures/fire_flow_and_hydrant_requirements.pdf**). If needed, this analysis shall include an actual flow test and analysis by a professional engineer meeting the standards set by the City Engineer. The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div./JJD)

11. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all

areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plain. (Site Development Div./JJD)

12. Submit a geotechnical and geo-environmental report with the site development permit application for review and approval by the City Engineer. The report shall include an assessment of the soil and any toxic contaminants, ground/surface water issues, any needed clean-up action, remediation methods, Oregon Department of Environmental Quality requirements, disposal regulations, and worker safety measures. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer and rules of the Oregon Department of Environmental Quality. (Site Development Div./JJD)

13. Provide plans for street lights (Option 'C' unless otherwise approved by the City Operations and Maintenance Director) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. (Site Development Div./JJD)

14. Provide certification by a registered professional engineer that adequate sight distance is being provided at new parking garage driveway. No obstructions shall be placed within the driveway intersection sight vision triangle except as provided by City Ordinance, including but not limited to parking (Development Code 60.55.50.1 and Engineering Design Manual 210.5). In some locations, maintenance of the required sight distance may require restrictions to potential development outside the public right of way. If so, the Project Engineer shall demonstrate that adequate restrictions are in place (and enforceable by the City) to assure that the required sight distance can be maintained in the future. This could include removal of existing or proposed on street or off street parking spaces. No modifications or exceptions to these standards shall be allowed unless approved by the City Traffic Engineer or designee. (Transportation/DRG)

15. Provide evidence that the building design provides sight distance clearance areas (triangle area measuring 15 by 15 feet) for the exit driveway from the garage in accordance with Section 210.5.1 of the Engineering Design Manual. The intent of this condition is to provide adequate vision between exiting traffic and Millikan Way pedestrians. (Transportation/DRG)

Prior to Issuance of a Building Permit, the Applicant Shall:

16. Ensure that Design Review approval has not expired. In accordance with Section50.90.1 of the Development Code, Design Review approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (Development Services/JO)

17. Have a building permit issued for, and completed construction of, the hydronic heating and cooling system line through the parking structure site and its extension to the southern boundary of Lot 6 of The Round (Tax Lot 8400 of Map 1S1-16AA).

18. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)

19. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)

20. Have a professional architect or engineer submit plans and specifications to the City Engineer and City Building Official verifying that the lowest finished floor and all building components subject to flood damage are proposed at least two feet above (elevation 178.56 feet and higher) or flood-proofed with flood resistant construction to two feet above the base flood elevation (BFE is 176.56 feet) for the Beaverton Creek 100 year flood plain. (Site Development Div./JJD).

21. Submit to the City a certified impervious surface determination of the proposed project prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total. In addition, specific types of impervious area totals, in square feet, shall be given for roofs, parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site or individual tax lots if applicable. (Site Development Div./JJD)

22. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed. (Site Development Div./JJD)

Prior to Issuance of a Building Occupancy Permit, the Applicant Shall:

23. Ensure all site improvements, including grading and landscaping is completed in accordance with plans marked "Exhibit A". (On file at City Hall). (Development Services/JO)

24. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit B", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Development Services/JO)

25. Ensure construction of all buildings and other approved structures are completed in accordance with the elevations and plans marked "Exhibit C". (On file at City Hall). (Development Services/JO)

26. Ensure all landscaping and fencing approved by the decision making authority is installed unless a performance security, equal to 110 percent of the cost of the landscaping not so installed, is filed with the City assuring such installation within six months of occupancy. All performance securities submitted shall itemize the cost of materials and labor. (Development Services/JO)

27. Ensure that the planting of all approved deciduous trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Deciduous trees shall have straight trunks and be fully branched, with a minimum caliper of two (2) inches and a minimum height of 8 feet at the time of planting, except that dwarf and compact varieties may be may be approved at any size. Deciduous trees may be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (Development Services/JO)

28. Ensure that the planting of approved street trees and vegetation within the public right-of-way or public easements has occurred. (Development Services/JO)

29. Ensure coniferous trees, having been balled and burlapped or grown within suitable containers for one year, are planted. Trees shall be a

minimum 5 gallon size and 6 feet in height, except that dwarf and compact varieties may be approved at any size. All trees shall be fully branched and adequately staked at the time of planting. (Development Services/JO)

30. Ensure ground cover plantings are installed at a maximum of 30 inches on center and 30 inches between rows. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container, or a 2-1/4 inch container if planted 18 inches on-center. (Development Services/JO)

31. Ensure deciduous or evergreen shrubs are installed at a minimum, using one-gallon containers or 8 inch burlap balls with a minimum spread of 12 inches to 15 inches. (Development Services/JO)

32. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Development Services/JO)

33. Ensure all rooftop mechanical equipment, vents, and similar features are screened from public view as viewed from streets and sidewalks, or is placed within the building, or otherwise made an integral part of the structure. Materials and colors of rooftop screening shall consist of at least one material and color used on building elevations. (Development Services/JO)

34. Window signs or opaque coverings, where such windows are located within the first 10 feet of elevation on streets identified as Major Pedestrian Routes, whether mounted outside or inside, shall not cover greater than 5 percent of the window area Elsewhere on the building, similarly mounted window signs or opaque coverings, covering greater than 20% of any window area, are not permitted for non-residential window area. (Development Services/JO)

35. Interior light fixtures within the parking garage and garage entrance area shall be equipped with lighting shields, or shall otherwise be designed and located so that direct view of light sources, such as bulbs and tubes, are shielded from the view of pedestrians and motorists on abutting streets and pedestrian accessways. (Development Services/JO)

36. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights and pedestrian accessways, shall be limited to no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. (Development Services/JO)

37. Have substantially completed the site development improvements as determined by the City Engineer, including Option C streetlights being fully functional. (Site Development Div./JJD)

38. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, except high voltage lines (>57kV). (Site Development Div./JJD)

39. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)

40. Have obtained an Industrial Sewage Permit from the Clean Water Services District (CWS, formerly USA) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div./JJD)

41. Have a professional architect, engineer, or surveyor submit a certification on Federal Emergency Management Agency (FEMA) standard form, to the City Building Official, verifying that the lowest finished floor and all building components subject to flood damage are constructed at least two feet above (elevation 178.56 feet or higher) or flood-proofed with flood resistant construction to two feet above the base flood elevation (BFE is 176.56 feet) for the Beaverton Creek floodplain. (Site Development Div./JJD)

42. Provide 33 secured short-term bicycle parking spaces no further than 100 feet from primary building entrances and 58 secured long-term spaces, for uses within the parking building and completed buildings in The Round, within the parking garage. (Transportation/DRG)

43. Identify and post signage, in accordance with a plan approved by the City Traffic Engineer for the location and type of the parking restrictions proposed to provide driveway adequate sight distance, for the north side of SW Millikan Way. (Transportation/DRG)

44. Submit a parking demand monitoring survey and a travel demand management program as required in DR 2003-0195 (The Round Health Club & Lofts Building - Land Use Order No. 1570), to document on-site and immediate adjacent (both sides of the streets surrounding the development) off-site peak hour parking utilization, to be conducted twice a year (electronically in the parking structure and manually on the surface lots). The survey is to be done in the months of April and October. Results shall to be provided to the Director of Community Development and the City Transportation Engineer by May 1 and November 1 of the same year. The monitoring report will document existing supply and peak hour utilization. Through the parking management plan and travel demand management program the applicant will have contingency plans in place (listed on page 30 of the Design Review application, dated December 3, 2004) to address parking supply deficiencies should they occur. Subsequent applications, beyond the parking garage, shall provide proof of sufficient parking supply prior to receipt of approval. The methodology for these two programs is to be submitted by the applicant and approved by City Transportation Engineer prior to building occupancy permit. (Transportation/DRG)

45. Demonstrate to the satisfaction of the Planning Director that the applicant is a member of the Westside Transportation Alliance, the Transportation Management Association approved by the City for this area, to satisfy the requirement to receive vehicle parking reductions. (Transportation/DRG)

46. Demonstrate to the satisfaction of the Planning Director the existence of binding agreements that allow the shared use of parking on other properties within or outside of The Round, in accordance with the Transportation Impact Study prepared by Kittelson and Associates and dated February 12, 2003 and updated June 4, 2004. (Transportation/DRG)